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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,101	09/30/2003	Eric Gould Bear	3930	4102

7590 03/16/2006

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EXAMINER
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ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 03/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/677,101	BEAR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	A Elamin	2116	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25,28,30,32 and 34-62 is/are rejected.
- 7) ☒ Claim(s) 26,27,29,31 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/31/2004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 13-25, 28, 30, 32, 34-38, 41-53, 59-62, are rejected under 35 U.S.C. 102(e) as being anticipated by Kamijo, US. Pat. No. 6,996,445.

3. Claims 1, 45, 47, 59, Kamijo teaches a computer system for unified audio control [*the system of Fig. 1*], comprising:

an audio controller having configurable control logic [*sound volume adjustment control unit 130 of Fig. 1*] for changing a setting of an audio output device in response to an event [*requesting the OS to open sound device, see step 201 of Fig. 2*]; and

an operating system operably coupled to the audio controller [*operating system 100 of fig. 1*], the operating system having event handling logic for receiving the event and [*receiving a request to open sound device, step 201 of Fig. 2*] communicating the event to the audio controller [*steps 204-210 of Fig. 2, see also col. 7, lines 40-*].

4. Claims 2, 48, Kamijo teaches an audio control operably coupled to the operating system for inputting a command to change a setting of an audio output device [*sound volume adjustment control unit 130 of Fig. 1*].

5. Claims 3, 52, Kamijo teaches the audio control comprises a speaker mute button for muting an audio output device [*inherently, audio control units comprise a speaker mute button*].
6. Claims 4, 50, Kamijo teaches the audio output device comprises the system default audio output device [*col. 8, lines 47*].
7. Claims 5, 49, 51, Kamijo teaches the audio control comprises a volume control for adjusting the volume of an audio output device [*col. 2, lines 37-38*].
8. Claim 6, Kamijo teaches the audio output device comprises the system default audio output device [*col. 8, lines 47*].
9. Claims 7, 53, Kamijo teaches the audio control further comprises an indicator that uses at least one member of the set comprising visual, audible, and tactile representations [*visual indication, see col. 7, lines 15-17*].
10. Claim 13, Kamijo teaches the configurable audio controller comprises a component with configuration settings [*col. 7, lines 15-24*].
11. Claim 14, Kamijo teaches the configuration settings comprise user configuration settings [*col. 7, lines 15-24*].
12. Claim 15, Kamijo teaches the configuration settings comprise default system configuration settings [*col. 2, lines 64-67, col. 9, lines 19-23*].
13. Claim 16, Kamijo teaches the configurable audio controller comprises a component with rules for changing a setting of an audio output device in response to an event [*col. 6, lines 15-22*].
14. Claim 17, Kamijo teaches the rules comprise user selected rules [*col. 7, lines 15-24*].
15. Claim 18, Kamijo teaches the rules comprise default system rules [*col. 9, lines 19-23*].

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16. Claim 19, Kamijo teaches the operating system comprises a component with control handling logic for receiving input commands from an audio control [*volume adjustment function 110 of Fig 1*].

17. Claim 20, Kamijo teaches the operating system comprises a component with logic for controlling an indicator of an audio control button [*col. 7, lines 15-17*].

18. Claims 21, 44, 46, Kamijo teaches a method for controlling audio devices in a computer system [*the method of Fig. 2*], comprising the steps of: receiving an event; communicating the event to a configurable audio controller [*step 201 of fig. 2*]; determining a change in a setting of a plurality of audio devices from the event [*NO in step 205*]; and changing the setting of a plurality of audio devices as a result of the determination [*steps 211 and 212 of Fig. 2*].

19. Claim 22 Kamijo teaches receiving an event generated by an application [*step 201 of Fig. 2*].

20. Claim 23, Kamijo teaches receiving an event comprises receiving an event generated by a system component [*CD or DVD, see col. 6, lines 31-37*].

21. Claim 24 Kamijo teaches receiving an event comprises receiving an event generated by an audio control [*col. 6, lines 45-51*].

22. Claims 25, 28, 30, 32, Kamijo teaches receiving an incoming telephone call/disconnecting a telephone call [*as admitted by Applicant, typically computers may be used for handling phone calls in addition to handling media applications and customary communication applications, see the specification of the instant application pages 2-3*].

23. Claim 34 Kamijo teaches determining a change in a setting of a plurality of audio devices comprises using rules for changing a setting of an audio device based upon one or more events [*col. 6, lines 15-22*].

24. Claim 35 Kamijo teaches determining a change in a setting of a plurality of audio devices comprises using configuration settings [*col. 7, lines 15-24*].

25. Claim 36-37 Kamijo teaches the changing the setting of a plurality of audio devices comprises changing the setting of an output audio device [*col. 2, lines 37-38*].

26. Claim 38 Kamijo teaches changing the setting of a plurality of audio devices comprises changing an indicator that uses at least one member of the set comprising visual, audible, and tactile representations [*visual indication, see col. 7, lines 15-17*].

27. Claim 41, Kamijo teaches changing the setting of a plurality of audio devices comprises muting the audio output device [*inherently, audio control units comprise a speaker mute button*].

28. Claim 42, Kamijo teaches changing the setting of a plurality of audio devices comprises restoring the audio output device settings to a prior state [*see steps 211-212 of Fig. 2 and related disclosure*].

29. Claim 43 Kamijo teaching changing the setting of a plurality of audio devices comprises adjusting the volume of an audio output device [*see steps 211-212 of Fig. 2 and related disclosure*].

30. Claims 60-62, Kamijo teaches a method for controlling audio devices in a computer system [*Figs 1-2*], comprising the steps of: receiving an input command from an audio control to adjust an attribute of a plurality of audio streams [*NO in step 205 of Fig. 2*]; adjusting the

attribute for the plurality of audio streams [steps 211-212]; and outputting at least one of the plurality of audio streams having the attribute adjusted [step 210 of Fig. 2].

***Claim Rejections - 35 USC § 103***

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claims 8-12, 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamijo, US. Pat. No. 6,996,445 in view of Peskin et al, US. Pat. No. 6,976,216.

33. Claims 9, 12, 55, 58, Kamijo fails to teach a button of the audio control resides on a computer keyboard/remote control.

Peskin teaches a computer software that allows control of the playout of audio/video works on a computer system [*title and abstract*]. The software allows key events from dedicated audio/video keys, whether part of a full sized keyboard or on a hand held remote, to control the actions of an audio/video playout program.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Kamijo to include a button of the audio control resides on a computer keyboard/remote control, because it simplifies the user interface as it allows audio/video playout buttons to control an embedded audio/video player.

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34. Claims 8, 10-11, 54, 56, 57, both Kamijo and Peskin fail to teach the button resides on a computer housing/monitor or a communication panel.

This is an obvious matter of design choice.

Therefore, a worker in the art would be motivated to have the button resides on a computer housing/monitor or a communication panel, because it increases flexibility and simplicity of the system.

**35. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamijo, US. Pat. No. 6,996,445 in view of Tsutsumi et al, US. Pat. No. 6,831,657.**

36. Claim 39, Kamijo fails to teach changing the amount of light displayed for a volume setting.

Tsutsumi teaches display control apparatus for displaying gain setting value in predetermined color hue [*title, abstract*], comprising changing displaying hue in stepwise manner as the sound volume setting level is changed [*abstract*].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Kamijo to include changing the amount of light displayed for a volume setting, because it allows a user to accurately identify, at a glance a sound volume setting level.

**37. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamijo, US. Pat. No. 6,996,445.**

38. Claim 40 Kamijo fails to teach changing a visual indicator comprises changing the indicator to the color amber while muted is a matter of design choice.

Therefore, a worker in the art would be motivated to change the indicator to the color amber while muted, because amber light is particularly advantageous from the standpoint that it permits greater intensity before reflection and diffusion of light become unduly troublesome than is possible when light of other colors is used.

***Allowable Subject Matter***

39. Claims 26-27, 29, 31, 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

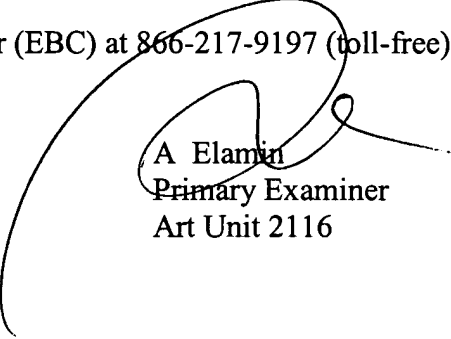
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (571) 272-3674. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Elamin  
Primary Examiner  
Art Unit 2116

March 13, 2006